



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

David B. Weiner *et al.*

APPLICATION NO.: **09/935,100**

GROUP ART UNIT: **1648**

FILED: **August 22, 2001**

EXAMINER: **Jeffrey S. Parkin**

FOR: **VPR FUNCTION AND ACTIVITY**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION TO EXAMINER

Applicants enclose herewith an executed Declaration of Dr. David B. Weiner Pursuant to 37 CFR §1.132. Applicants submitted an Amendment and Response to the final office action on April 6, 2006, along with a Request for continued Examination and unexecuted Declaration of Dr. David B. Weiner.

Applicants respectfully request entry of the executed Declaration.

In the response filed April 6, 2006, Applicants' noted the telephonic Examiner Interview which occurred on April 5, 2006. As mentioned, an incomplete citation was provided for one of the references cited in the Official Action Jacobson et al. (1993) and the Examiner provided a complete citation during the telephonic interview. Applicant obtained a copy of the Abstract for that reference and presented arguments asserting enablement in view of the cited references including the abstract of reference provided with the incomplete citation as well as abstract-only versions provided by the Office for other cited references.

In a communication mailed April 13, 2006, the Examiner forwarded to Applicants a copy of the Examiner's Interview summary together with full text copies of Jacobson et al. (1993), Kohler et al. (1992) and Sato et al. (1990). Applicants respectfully assert

that the claimed subject matter is enabled in view of the full text references and nothing in the references further supports the position by the Examiner that the claimed invention is not enabled. As noted in the response filed April 6, 2006, the references relied upon by the Examiner as showing that the state of the art was unpredictable are directed to passive immunotherapy aimed at blocking virus from entering cells using neutralizing antibodies. The present invention is directed at antibodies which inhibit the functioning of a viral protein whose presence upregulates viral replication in infected cells.

Applicants invite the Examiner to contact Applicants' undersigned attorney at 215.665.5592 to clarify any unresolved issues raised by this Communication.

Respectfully submitted,



Dated: May 3, 2006

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Attachment: Executed Declaration of Dr. David B. Weiner